

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMES PARNAU,

Plaintiff,

v.

Case No. 17-CV-1159

NANCY A. BERRYHILL,

Defendant.

DECISION AND ORDER

Plaintiff James Parnau filed a complaint on August 24, 2017, seeking review of a final decision by the Commissioner of the Social Security Administration. Social Security Complaint, ECF No. 1. The parties consented to the jurisdiction of a United States magistrate judge, and the case was reassigned to this Court on September 5, 2017. Order Reassigning Case on Consent, ECF No. 7. The defendant filed a Statement Noting the Death of Plaintiff James Parnau on December 18, 2017, and served it upon Mr. Parnau's children, as well as his counsel in this case. Suggestion of Death Upon the Record, ECF No. 14. Under Federal Rule of Civil Procedure 25(a) the plaintiff had ninety (90) day to file a motion for substitution, but no motion was filed in this case. Therefore, this action "must be dismissed." Fed. R. Civ. P. 25(a). The Court held a telephone status conference on March 30, 2018, and indicated its dismissal of the case on the record.

NOW, THEREFORE, IT IS HEREBY ORDERED that this case is
DISMISSED WITH PREJUDICE.

IT IS ALSO ORDERED that the Clerk of Court shall enter judgment
accordingly.

Dated at Milwaukee, Wisconsin, this 30th day of March, 2018.

BY THE COURT:

s/David E. Jones
DAVID E. JONES
United States Magistrate Judge